

CCRB INVESTIGATIVE RECOMMENDATION

| | | | | | |
|--------------------------------------------------|-------------------------------------|--------------------------------------------|-------------------------------------------------------|------------------------------------|---------------------------------|
| Investigator: Elizabeth Perry | Team: Team # 7 | CCRB Case #: 200610253 | <input checked="" type="checkbox"/> Force | <input type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input checked="" type="checkbox"/> Abuse | <input type="checkbox"/> O.L. | <input type="checkbox"/> Injury |
| Incident Date(s) Wednesday, 08/02/2006 | Location of Incident: § 87(2)(b) | Precinct: 109 | 18 Mo. SOL 2/2/2008 | EO SOL 2/2/2008 | |
| Date/Time CV Reported Thu, 08/03/2006 8:59 AM | CV Reported At: CCRB | How CV Reported: Call Processing System | Date/Time Received at CCRB Thu, 08/03/2006 8:59 AM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------------|--------------|
| § 87(2)(b) | § 87(2)(b) | § 87(2)(b) |
| § 87(2)(b) | § 87(2)(b) | § 87(2)(b) |

| Subject Officer(s) | Shield | TaxID | Command |
|-----------------------|--------|--------|---------|
| 1. SGT Joseph Hayward | 04193 | 923936 | PSA 9 |

| Witness Officer(s) | Shield No | Tax No | Cmd Name |
|----------------------|-----------|--------|----------|
| 1. POF Dina Valentin | 09123 | 936062 | PSA 9 |

| Officer(s) | Allegation | Investigator Recommendation |
|----------------------|----------------------------------------------------------------------------------|-----------------------------|
| A.SGT Joseph Hayward | Abuse: Sgt. Joseph Hayward stopped and questioned § 87(2)(b) and § 87(2)(b) | § 87(2)(b) |
| B.SGT Joseph Hayward | Force: Sgt. Joseph Hayward used physical force against § 87(2)(b) and § 87(2)(b) | § 87(2)(b) |
| C.SGT Joseph Hayward | Abuse: Sgt. Joseph Hayward frisked § 87(2)(b) | § 87(2)(b) |
| D.SGT Joseph Hayward | Abuse: Sgt. Joseph Hayward arrested § 87(2)(b) | § 87(2)(b) |

Synopsis

§ 87(2)(b) contacted the CCRB on August 3, 2006 at 8:59pm however, he did not leave a narrative on the call processing system. When § 87(2)(b) was contacted on August 4, 2006 at 3:46pm, he stated the following:

On August 2, 2006 at 12:00am, § 87(2)(b) and § 87(2)(b) were walking home when two police officers came up to them on the street. The two officers, identified by name and description by § 87(2)(b) were Sgt. Joseph Hayward and PO Dina Valentin. Sgt. Hayward pulled § 87(2)(b) to the side and started pushing him around. § 87(2)(b) told Sgt. Hayward that § 87(2)(b) had been drinking a little so, he had to just deal with him a little bit, but he didn't have to put his hands on him. Sgt. Hayward then started pushing § 87(2)(b). § 87(2)(b) told Sgt. Hayward that he wasn't supposed to be doing this and that he knew his rights. Sgt. Hayward replied, "Yeah, you know what, instead of him, we are going to take you to the precinct." § 87(2)(b) was then taken to the precinct and charged with § 87(2)(b), but the charge was later dropped. At one point, Sgt. Hayward told § 87(2)(b) that if he learned how to keep his mouth shut he wouldn't be in there.

§ 87(2)(b) described Sgt. Hayward as a 35 year old, 5ft 8in, white, male officer with short blond hair and blue eyes. § 87(2)(b) described PO Valentin as a light-skinned, 5ft 3in, 23 year old, female officer with black hair. PO Valentin, (tax # 936062) is the officer listed on the summons that was given to § 87(2)(b) and she is also listed as the arresting officer for § 87(2)(b).

§ 87(2)(b) was present when § 87(2)(b) was contacted by the CCRB on August 4, 2006. § 87(2)(b) stated the following:

§ 87(2)(b) and § 87(2)(b) were coming out of the housing projects when Sgt. Hayward ran up to § 87(2)(b) and frisked him by tapping his legs. § 87(2)(b) started talking to PO Valentin in Spanish and Sgt. Hayward got upset and told § 87(2)(b) to stop. When § 87(2)(b) continued to talk to PO Valentin in Spanish, Sgt. Hayward pushed him against an unmarked car two times. § 87(2)(b) told Sgt. Hayward he couldn't push § 87(2)(b) and Sgt. Hayward told § 87(2)(b) to "shut-up and walk away." Again, § 87(2)(b) told Sgt. Hayward he couldn't push § 87(2)(b) and Sgt. Hayward replied, "Oh yeah?" and handcuffed § 87(2)(b).

From August 10, 2006 to September 1, 2006, the undersigned investigator used the information provided by § 87(2)(b) to contact him and § 87(2)(b). In total, four phone calls were made to § 87(2)(b) and three phone calls were made to § 87(2)(b). In addition, two letters were sent to each of them. During these contacts, § 87(2)(b) was scheduled for an interview on August 14, 2006 and again on September 1, 2006. He failed to show up for both interviews without notifying the investigator. § 87(2)(b) was scheduled for an interview on August 21, 2006 and again on September 1, 2006 however, he too, failed to show up for both of his scheduled interviews.

§ 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: